

DECLARATORY
~~Improvement~~ Res. No. 1135-1964

For the Vacation of Webster Street from the north property line of Melita Street to a point thirty (30) feet north of the north property line of the first alley north of Melita Street.

Resolution Adopted: June 19, 1964

Confirmed: June 19, 1964

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Feb. 4, 1965

B.O. 20-'64

Wabash R. R.

DECLARATORY RESOLUTION NO. 1135-1964

For the Vacation of Webster Street from the north property line of Melita Street to a point thirty (30) feet north of the north property line of the first alley north of Melita Street.

PLANS ORDERED:

ADOPTED: June 19, 1964

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION:

CONFIRMED: June 19, 1964

ASSESSMENT ROLL ORDERED: June 19, 1964

ASSESSMENT ROLL APPROVED: Jan. 12, 1965

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Thurs., Feb. 4, 1965 3:30 p. m.

NOTICE SERVED: Jan. 22, 1965

ASSESSMENT ROLL CONFIRMED: Feb. 4, 1965

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of Webster Street from the north property line of Melita Street to a point thirty (30) feet north of the north property line of the first alley north of Melita Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to ~~vacate Webster Street from the north property line of Melita Street to a point thirty (30) feet north of the north property line of the first alley north of Melita Street.~~

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 29 and 30, Wilt's 2nd Addition and space north of Grand Street. Said addition and space are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers and water mains, ~~gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits~~

All Streets, lots and lands affected by the above described are situated in the northeast quarter of Section Eleven, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

19

DAY OF

June

19

64

Attest:

Secretary Board of Public Works.

Fred R. Reiman
Robert W. Salzman

Board of Public Works.

4/8-206-10

020

Gentlemen:

The undersigned, owners of real

ADDRESS

Petitioner

(Industrial Real Estate Division)


) SS:

City

City

Joseph Pakush, Vice President and Assistant Secretary.

respectively, of the Wabash Railroad Company and acknowledged the execution of the above and foregoing petition for the vacation of certain property for and on behalf of said corporation.


Notary Public

March 1, 1965

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

47-33-7

B.O. 20-'64

Date June 19, 1964

To City Engineer

Subject Dec. Res. No. 1135-1964 Vacation of Webster Street

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List

NOTED
☐ F.S.E.
☐ R.W.D.
☐ G.F.G.
Date _____

Signed _____

Reply:

January 8, 1965

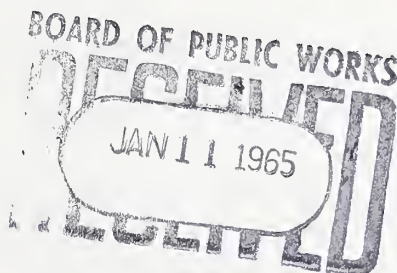
Assessment Roll of Benefits and Damages completed and attached.

The preparation of this assessment roll was delayed until a signed
easement grant was received.

Walter H. Meitz

Walter H. Meitz
City Engineer

DEB:is
attachs.



Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

46-206-10

B.O. 20-'64

Date Jan. 22, 1964

To City Engineer

Subject Vacation - Webster Street

Received a petition for the vacation of Webster Street from the north property line of Melita Street to a point 30 feet north of the north property line of the first alley north of Melita Street.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman
R. W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
attach copy of petition
cc: Mayor Zeis

NOTED
☒ F.S.E.
☐ R.W.D.
☐ G.F.G.

Date _____

Signed _____

Reply:


June 17, 1964

1135

Declaratory Resolution, Drawing and Property Ownership list completed and attached.

It will not be necessary to hold a public hearing because the petitioner is the only property owner affected and has signed a waiver, which is attached.

An easement grant will be required but we recommend this resolution be confirmed immediately so as not to delay the expansion plans of the Wabash Railroad Company. The grant will be signed before the assessment roll of benefits and damages is prepared.


Walter H. Meitz
City Engineer

DEB:is
attachs.

BOARD OF PUBLIC WORKS
RECEIVED
JUN 18 1964

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

City of Fort Wayne

1135



OFFICE OF
CITY PLAN COMMISSION

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

April 17, 1964

Mr. Donald E. Bodeker
Office Engineer
City Engineers Office

Dear Mr. Bodeker:

Re: Proposed vacation of Grand Street from Harrison Street west to its western terminus and Webster Street, Kansas Street, and Hoagland Avenue from Melita Street north to Grand Street.

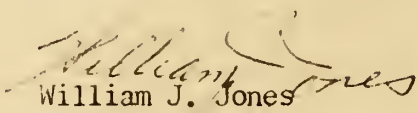
We have reviewed the proposed vacations as described above and have no objection to those vacations for the following reasons:

1. At the present time none of the streets are either used or necessary for the circulation of general traffic through the area.
2. At the present time the streets in question are only partially improved and, for the most part, those sections of streets which are improved do not meet the standards of the Board of Public Works.
3. The vacation of this property would return the property to the tax duplicate and, therefore, would provide some additional income to the city.
4. It is obvious that Hoagland Avenue, Kansas Street, and Webster Street would never cross the railroad and, therefore, their usefulness for the purpose of circulation of traffic is limited.
5. It would seem that a better use could be made of the adjoining grounds if the streets were vacated and could be utilized in tying together the various properties under single ownership and development.

Based on the above reasons, it would be our recommendation that the streets described above be vacated subject to the necessary easements for utility purposes.

Sincerely,

CITY PLAN COMMISSION


William J. Jones
Planning Director

WJJ:mo

cc: Board of Public Works
Mayor Harold S. Zeis
File

CITY OF PORT WORTH

3

JAN 12, 1964

BOARD OF PUBLIC WORKS

MEMORANDUM FOR THE BOARD OF PUBLIC WORKS

TO: BOARD OF PUBLIC WORKS
FROM: [illegible]
SUBJECT: [illegible]

[illegible text]

[illegible text]

[illegible text]

WILLIAM W. [illegible]
[illegible]

[illegible]
[illegible]

LAW OFFICE
CAMPBELL LIVINGSTON DILDINE & HAYNIE
ATTORNEYS
FORT WAYNE INDIANA 46801

July 11, 1964

City Engineering Department
425 South Calhoun Street
Fort Wayne, Indiana

Attention: Mr. Don Bodeker

Re: Vacation of Various Parts of Grand
Street, Webster Street, Kansas Street,
Hoagland Avenue and an Alley North of
Melita Street

Dear Don:

It is my understanding that the Wabash Railroad may begin construction if it desires of certain loading facilities on various parts of the above-described vacated streets in accordance with its plan "B," a copy of which said plan has been forwarded to you heretofore, without the necessity of waiting for formal easements to be executed and for the assessment role to be confirmed.

It is also my understanding that the necessary easements will be drawn by you within the next four or five weeks. Should the Wabash Railroad Company begin its construction prior to the execution of these easements, I have been authorized to assure you that any necessary easements for utility purposes will be executed and delivered by the Wabash Railroad Company when such easements are prepared.

We are, of course, anxious to close our file on this matter and look forward to the preparation of the necessary easements and the assessment of benefits and damages at your earliest convenience.

Very truly yours,

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

By


Milford M. Miller, Jr.

MMH:wkj

GRANT OF EASEMENT

THIS INDENTURE WITNESSETH, That the Undersigned Grantor for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by the Grantor, does hereby CONVEY and WARRANT to the following named Grantees, and each of them, and their respective successors and assigns, namely, to-wit: INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation, and CITY OF FORT WAYNE, INDIANA, a municipal corporation of the State of Indiana, a perpetual right of way and easement with the right, privilege and authority to the Grantees and each of them and to their respective successors and assigns (1) to construct, erect, operate, maintain, repair, renew and replace a line or lines (underground) with all necessary or convenient structures, conduits, ducts, wires, cables and other equipment and appurtenances, for the transmission, distribution and delivery of electrical energy or other power to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power, telephone, telegraph and all other purposes whatsoever in, upon, along, over, under, through or across the real estate hereinafter described; and (2) to lay, install, construct, operate, maintain, repair, renew and replace mains and a line or lines of pipe, with all necessary and convenient services, pipes, lines, connections, meters and other equipment and appurtenances, for the transportation and distribution of water and/or sewage to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power and all other purposes whatsoever in, upon, along, over, under, through or across the real estate described below and being as follows:

Beginning at the southeast corner of Lot No. 29, Wilt's 2nd Addition to the City of Fort Wayne; thence east, a distance of 60 feet, to the southwest corner of Lot No. 30, said Wilt's 2nd Addition; thence north along the west line of said Lot No. 30, a distance of 153.2 ± feet, to a point 42 feet north of the northwest corner of said Lot No. 30; thence west by deflection left of 90 degrees, a distance of 60 feet, to a point 42 feet north of the northeast corner of said Lot No. 29; thence south along the east line of said Lot No. 29, a distance of 153.3±feet, to the point of beginning.

TOGETHER with the right, privilege and authority to the Grantees, and each of them, and their respective successors and assigns to, at their option, remove from said real estate any trees, bushes or other perennial growth or other obstructions which might endanger the safety or interfere with the use of said structures, conduits, ducts, mains, pipes, wires, cables and other equipment and appurtenances or any structure on the above described real estate; of full and complete right of ingress and egress to and over the above described real estate, and to and over adjoining lands of the Grantor where a public street or highway does not adjoin the above described real estate, at any and all times, for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted; and of full and complete rights, easements, privileges and appurtenances in or to said real estate which may be required for the full enjoyment of the rights herein granted. Any damages to fences, drains, ditches or buildings of the Grantor on lands of the Grantor adjoining the real estate above described, caused by the construction, operation and maintenance of any of the facilities covered by this easement, shall be paid for by the Grantee or Grantees causing such damage. All claims for damages caused in the construction, operation and maintenance of said facilities, shall be made at or mailed to the office of the Grantee or Grantees alleged to have caused such damage within thirty (30) days after such damage accrue. If Grantor and Grantees cannot agree on the amount of damages, the same shall be arbitrated.

DULY ENTERED FOR TAXATION

7778 JAN 5 - 1965

Walter H. Summers
AUDITOR OF ALLEN COUNTY

Allen County Recorder
JAN 5 PM 1 27
Dorothy E. Carson

The Grantor reserves the use of the above described land not inconsistent with this grant.

The undersigned hereby covenant that they are the owner in fee simple of the above described real estate, are lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, and that the Grantor will warrant and defend the title to the said easement against all lawful claims.

These presents to be binding on the Grantor and their respective executors, administrators, grantees, successors and assigns, and upon the Grantees and their respective successors and assigns.

IN WITNESS WHEREOF, the Undersigned Grantor has executed this instrument this 22nd day of December, 1964.

Grantor

Description

WABASH RAILROAD COMPANY

Lots 29 and 30,
Wilt's 2nd Addition;

Space North of Wilt's 2nd Addition.

By H. W. Large
H. W. Large
193 Vice President

DULY ENTERED FOR TAXATION

ATTEST: W. A. Haring
W. A. Haring
Assistant Secretary

7778 JAN 5 - 1965

Walter D. Summers
AUDITOR OF ALLEN COUNTY

This instrument was prepared by
DONALD E. BODEKER
Employee of The City Of Fort Wayne
on its behalf.

STATE OF PENNSYLVANIA)
) ss
COUNTY OF PHILADELPHIA)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 22nd day of December 1964, came the WABASH RAILROAD COMPANY, an Ohio corporation, by H. W. LARGE, its Vice President, and by W. A. HARING, its Assistant Secretary, who as such Vice President and Assistant Secretary, respectively, for and on behalf of said corporation acknowledged the execution of the foregoing deed and the affixing thereto of the corporate seal of the said corporation.

WITNESS my hand and official seal.

My Commission Expires _____

James E. Barton
Notary Public
JAMES E. BARTON
NOTARY PUBLIC
PHILADELPHIA, PHILADELPHIA CO., PA.
MY COMMISSION EXPIRES
JUNE 24, 1966

Grantor certifies under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

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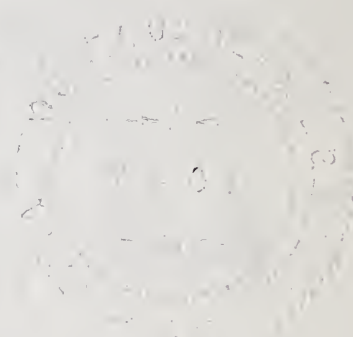
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COMPARED
WITH
PHOTOSTAT

WAIVER

The undersigned corporation, the owner of all property which may be injuriously or beneficially affected by the proposed vacation of a street described as follows, to-wit:

The vacation of Webster Street from the north property line of Melita Street to a point 30 feet north of the north property line of the first alley north of Melita Street,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. , does hereby waive any and all rights it may have to receive notice of such resolution either by publication or otherwise, and does waive its right to a hearing on said resolution and its right to file or present in any way any remonstrance against the action taken by said Board under said resolution; and it does agree that Board may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and that such action so taken shall be final and conclusive upon said corporation.

Dated this 14th day of January, 1964.

WABASH RAILROAD COMPANY

By

(D. E. Brummitt, Vice President)

By

(Joseph Pakush)
Assistant Secretary

DECLARATORY

Improvement Resolution No. ¹¹³⁵ -1964 For THE VACATION OF WEBSTER STREET FROM THE NORTH PROPERTYLINE OF MELITA STREET TO A POINT 30 FEET NORTH OF THE NORTH PROPERTY LINE OF THE FIRST ALLEY NORTH OF
MELITA STREET.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	WABASH RAILWAY CO.	Ch. Milford Miller		29			WILTS 2ND. ADDITION
2	"	425 Lincoln Bank Tower		30			"
3	"	"					SPACE-NORTH OF GRAND
4							STREET IN N.E. 1/4 SEC. 11-30-12
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